REMARKS

The application identified above has been amended in response to the Office Action dated April 7, 2004. Claims 1, 6 11, and 12 have respectively been amended to further emphasize patentably distinguishing features of the invention, as well as to provide Applicant with the full scope of protection to which he deems his invention entitled. Claim 17 has been added for the same reasons. Accordingly, Claims 1-17 are currently pending in the application.

In an Office Action mailed April 7, 2004 and made final (hereinafter "Final Office Action"), the Examiner rejected Applicant's Claims 1-16 under 35 USC §103(a), as being obvious in view of U.S. Patent No. 6,088,429, to Garcia, in combination with U.S. Patent No. 4,315,309, to Coli.

Applicant mailed a document entitled Applicant's Response to First Office Action, regarding the above application, to the United States Patent and Trademark Office on January 6, 2004. Comments and remarks set forth in this document are incorporated herein by reference.

The Garcia patent is directed to an automatic telephony arrangement, whereby patients or others acting on their behalf can phone in to a database, and obtain information regarding patient medications. Throughout the patent, and particularly in the claims, Garcia emphasizes the use of audio communications in transferring information between the database and system users.

The patent to Coli discloses periodic generation of reports pertaining to tests conducted on a plurality of patients. The reports are generated in order to provide test data that pertains to an entire patient population.

As taught in the application at page 2, lines 1-14, Applicant, in making his invention, was concerned about difficulties that could be encountered in treating a cardiology or other patient, wherein the patient had previously had multiple tests performed at different

locations, or by different doctors. Following prior art practices, the results of such tests were generally stored on paper documents and kept at the respective different locations. Thus, significant delays and inefficiencies could occur in making the multiple test results available to a doctor, in order to enable the doctor to provide clinical analyses.

It is clear from these teachings that Applicant's invention is intended primarily for the use and benefit of doctors, and for other health care workers authorized to perform services for patients. Accordingly, Applicant's Claim 1 has now been amended to recite, *inter alia*, a data viewing and editing module, configured to limit access to modify the patient test data to users who are authorized health care workers; and a patient information access module, similarly configured to limit access to view tests performed on a patient to users who are authorized health care workers. The recited data viewing and editing module is further disclosed in the application, such as at page 7, lines 18-20. As taught therein, a data viewing module is provided to allow a user to both read and edit patient test data. Clearly, only authorized health care workers can edit patient test data. The patient information access module is also disclosed further in the application, such as at page 11, lines 1-3, wherein it is taught that the module for reading or viewing test data is intended for use by a physician.

Applicant considers that Claim 1 distinguishes over the cited Garcia reference, particularly in reciting, in the over-all combination of Claim 1, both the data viewing and editing module, and the patient information access module, that are each configured to limit access to patient test data to users who are authorized health care workers. In contrast to this recitation, Garcia emphasizes repeatedly that patients are to be primary users of the system thereof. Thus, at column 2, lines 44-49, Garcia expressly states that a caller to the Garcia system seeking patient related information may be the patient. FIG. 1 of Garcia, at reference numeral 10, clearly shows that it is the patient that calls the system thereof. Reference numeral 90 of FIG. 1 indicates that patient related information is provided to the patient caller.

In view of these teachings, it is clear that the Garcia reference neither shows nor suggests either the data viewing and editing module, or the patient information access

module, as now recited by Applicant's Claim 1. These modules, in limiting access of system data to authorized health care workers, expressly prevent patient access to patient related data. Accordingly, essential teachings and objectives of Applicant's Claim 1 and of the Garcia patent are in diametric opposition to one another.

Applicant considers that the cited Coli reference, either alone or in any combination with Garcia, fails to overcome the deficiencies of the Garcia reference discussed above.

As is very well known, references may not be combined under 35 USC §103 unless the prior art teaches some reason or motivation for making the combination. **MPEP 2143.01**. Moreover, the entire teaching of each prior art reference must be condidered. **MPEP 2141.02**. The Coli and Garcia references disclose arrangements that are completely unrelated to, and have no need of, one another. The Coli disclosure, as set forth in the very first sentence of its Abstract, is directed to "A patient report generating system for receiving, storing and reporting medical test data for an entire patient population by periodically forming individual patient reports." The Garcia reference has a very different objective, that is, to enable patients to readily access their own medication or prescription information, principally by telephone. Applicant considers that one of skill in the art would see no reason to combine the Coli teachings, relating to medical test data for entire patient populations, with the Garcia disclosure.

The Office Action, at page 2, provides a statement as to why one of skill in the art would combine the Garcia and Coli references. However, with all due respect to the Examiner, this statement in the Office Action appears to be only conclusory in that the Office Action provides no prior art reference or citation to a reason why one of skill in the art would combine teachings of Garcia and Coli to realize Applicant's Claim 1. Accordingly, the Examiner is respectfully requested to furnish specific evidence or references, not only teaching all of the elements of amended Claim 1, but also teaching some reason or other basis for combining the elements thus taught to achieve the recitation of Claim 1. Applicant considers that this requirement is particularly necessary in the present case, where the two cited references are so dissimilar and unrelated to one another.

Independent Claims 6 and 12 have respectively been amended to limit patient data access to authorized health care workers, in like manner with Claim 1. Accordingly, both Claims 6 and 12 are considered to patentably distinguish over the prior art, including the cited references, for the same reasons given in support thereof.

Claims 2-5, 7-11 and 13-17 depend from Claims 1, 6 and 12, respectively. Accordingly, each of the dependent claims is considered to distinguish over the art for the same reasons given in support of Claims 1, 6 and 12.

In addition, Claim 2 is considered to distinguish over the art in reciting a data collection module that includes one or more test data entry forms. Applicant considers that this feature is neither shown nor suggested by Garcia or Coli, or by any combination thereof.

Applicant considers that the method of added Claim 17 additionally distinguishes over the art in reciting that the step of collecting patient test data comprises selecting a test data entry form relating to particular test data; graphically presenting the selected test data entry form to a user; and using the test data entry form to enter the collected data. The combination of Claim 17 is disclosed in the application such as at page 13, lines 10-14. Applicant considers that neither of the cited references, nor any combination thereof, either shows or suggests the Claim 17 combination.

CONCLUSION

In light of the arguments set forth above, Applicant respectfully submits that the Application is now in allowable form. Accordingly, Applicant respectfully requests consideration and allowance of the currently pending claims.

Applicants enclose herewith a check in the amount of $55.00 to cover the requisite fee for a One (1) Month Extension of Time in order to extend the time for response up to and including **August 7, 2004**. It is believed that no additional fees other than the Extension fee under 37 C.F.R 1.17(a)(1) are due at this time. If this is incorrect, Applicant hereby authorizes the Commissioner to charge any additional fees, other than issue fees, that may be required by this paper to Deposit Account No. 07-0153. The Examiner is respectfully requested to call Applicant's Attorney for any reason that would advance the current application to issue. Please reference Attorney Docket No. 119862-1000.

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Respectfully submitted,
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